

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-15 remain pending.

Claims 1, 2, 7-10 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by CH 656178 A5 of Walter Pfäffli (hereafter “Pfäffli”). Dependent claims 6, 11, 12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pfäffli. These rejections are respectfully traversed.

Applicant’s hinge has first and second elements coupled together so as to be hingedly rotatable about an axis. According to Applicant’s Claim 1, the first element comprises:

a first elongate member extending along the direction of the said axis and defining a keyway slot in said first elongate member that extends part way along the said member from one end thereof,

and a second member adapted for attachment to said first structure and integrally formed with a key member receivable in the slot.

The keyway slot and the key member are important features as they are “*formed with profiles that enable the key member to be received in the slot to a selected one of a plurality of depths, thereby enabling adjustment in the spacing of the said one structure*” – the structure to which the first element is attached – “*radially of the said axis*”.

An inherent feature of a *keyway slot and a key member receivable in the slot* is that they key, their profiles in this case allowing such keying at a plurality of different depths of the key member in the slot.

It is noted that Claim 1 requires the keyway slot to *extend part way along the elongate member from one end* of that member.

Although not limited to those specific arrangements only, in the embodiments described by Applicant with reference to the drawings, the adjustment is achieved by the respective profiles having a repeating pattern, the key member being inserted into the slot from its end with a selected depth radially by choosing which of the repeating

patterns are engaged when the key member is inserted from the said end.

Pfäffli has no such key slot and key member structure. The lower part 2 of Pfäffli's hinge (See: Pfäffli Fig. 1) has a pin 11 on which the upper part 1 of the hinge rotates. The Examiner seeks to identify Pfäffli's upper part 1 and bolt 5 with Applicant's *first elongate member* and *second member* respectively. Pfäffli's bolt 5 is fitted to the door or window 14, and has a free end 6 received through the side of hinge upper part 1 into a blind hole (un-numbered) that intersects with a threaded opening in which a grub screw 22 is received. End 28 of grub screw 22 engages with a cut-away portion 30 on free end 6 to hold end 6 in place when the grub screw is screwed hard down. Although shown fully inserted in Pfäffli Fig. 1, cut-away portion 30 on free end 6 would apparently allow some lee-way in the depth of insertion of end 6 into its blind hole.

In Pfäffli, the only "slot" that could be identified as extending *part way along the elongate member from one end thereof* is the threaded opening occupied by the grub screw. There is no keying between this threaded opening and free end 6 of bolt 5, so that they cannot be considered a *keyway slot* and *key member receivable in the slot*, respectively; and the depth of insertion of end 6 into its blind hole has nothing to do with the cooperating profiles of any *key member* and *keyway slot*. There is a continuous choice of depth in Pfäffli's arrangement, whereas Applicant can *select one of a plurality of depths*.

In short, while Pfäffli discloses a structure that, like Applicant's, allows some adjustment radially of the hinge axis, Pfäffli's structure is quite different from that claimed by Applicant.

Clearly, Applicant's Claim 1 is not anticipated by Pfäffli. Hence, the rejection should be withdrawn because it fails to demonstrate that the applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Moreover, there is no suggestion in Pfäffli that would have led the man of ordinary skill in the art to reject Pfäffli's arrangement and change to a system involving a key member co-operating with a keyway slot extending part way from the end of Pfäffli's member 1, something which – even if the motive for any such change existed – would require complete re-engineering of Pfäffli's hinge.

Whereas Claim 1 is directed to a hinge, Claim 13 is directed to a door hung in a doorway. Claim 13 includes all the features recited in Claim 1 in identical language. Accordingly, Applicant submits that Claim 13 is allowable over Pfäffli for the reasons presented above.

Finally, there are certain advantages in Applicant's arrangements over Pfäffli. Thus, Applicant's arrangements do not rely upon the tightening of a screw (Pfäffli's grub screw 22) to maintain the desired radial adjustment and hold the hinge together. The co-operating profiles of key slot and key member will allow Applicant's key member to be inserted into the key slot either way up, which means that a single embodiment of hinge can be configured for left-hand or right-hand use as desired by a user, whereas Pfäffli's hinge will require separate left-hand and right-hand embodiments. Pfäffli's hinge is suitable only for rebated windows or doors, whereas hinges as defined in Applicant's Claims 1 and 13 do not require a rebate.

The indication that claims 3 and 14 contain allowable subject matter is noted with thanks. However, the Applicant sees no need in placing these claims in independent format at this time since, for the reasons advanced above, claims 1 and 13 are considered to be allowable over the prior art or record.

All rejections haven been addressed, it is respectfully submitted that this application in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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